

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASON L. STEPHANY,

Plaintiff

v.

MILES, et al.,

Defendants

Civil No. 1:15-cv-1890

Judge Rambo

Magistrate Judge Mehalchick

ORDER

Before the court is an October 15, 2015 report and recommendation of the magistrate judge to whom this matter was referred (Doc. 9), in which she recommends that the court dismiss Plaintiff's complaint without prejudice pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies. Objections to the report and recommendation were due no later than November 2, 2015, and to date, no objections have been filed.

Therefore, upon consideration of the record before the court and the applicable law, **IT IS HEREBY ORDERED** that:

- 1) The court adopts the report and recommendation of Magistrate Judge Mehalchick;
- 2) The complaint is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies;
- 3) The clerk of court is directed to close the case.
- 4) Any appeal from this order is deemed frivolous and not taken in good faith.

s/Sylvia H. Rambo

United States District Judge

Dated: November 18, 2015